

**Motor Carrier Group Chairman's Factual Report
HWY-05-MH035**

**Attachment #13: FMCSA Exclusion of Intrastate Violations 04/19/2002
(4 Pages)**



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Memorandum

Subject: **ACTION:** Exclusion of Intrastate Violations from
The Safety Rating Process

Date: APR 19 2002

From: Julie Anna Cirillo *Julie Anna Cirillo*
Assistant Administrator and Chief Safety Officer

In Reply Refer to: MC-ECE

Division Administrators/State Directors
Field Administrators
National Enforcement Team
National Training Center

On October 2, 1991, a policy memorandum titled "Collection of Intrastate Noncompliance Information during Safety and Compliance Reviews" was issued directing our field staff (State and Federal) to record both intrastate and interstate violations on the compliance review (CR), and use all of those violations in the calculation of the carrier's safety rating. The purpose of this memorandum is to modify that policy, such that the Federal Motor Carrier Safety Administration's (FMCSA) safety rating process shall only incorporate data over which it has jurisdiction. FMCSA has jurisdiction over motor carriers that operate a commercial motor vehicle (CMV) in interstate commerce. Federal jurisdiction also extends to motor carriers that operate in intrastate commerce in the following regulatory areas (corresponding factor areas):

- 49 CFR Part 382: Controlled Substances and Alcohol Use and Testing;
- 49 CFR Part 383: Commercial Driver's License Standards; Requirements and Penalties;
- 49 CFR Part 387: Minimum Levels of Financial Responsibility for Motor Carriers; and
- 49 CFR Parts 100-180: Carriage/Shipments of Hazardous Materials.

Any violation discovered on a trip in intrastate commerce, except for violations that fall under FMCSA jurisdiction as mentioned above, shall not be included into the Federal rating process. All intrastate violations discovered should continue to be recorded on the CR to identify what area(s) of the carrier's operation may require further review by our State counterparts.

In addition to violations on intrastate trips, recordable crashes or out-of-service vehicle inspections discovered to have occurred during an intrastate trip, or on a trip between two points in a foreign country, must be left out of the calculation of the carrier's safety rating.

The FMCSA's CAPRI software has been modified to permit Federal and State safety investigators to record intrastate violations on a CR but exclude these violations from the Federal safety rating. To implement this software capability, please refer to the attached instructions. States that generate an intrastate-only safety rating are not affected by these exclusionary requirements.

If you have any questions, please contact Michael Lamm at (202) 366-6093.

Attachment

**Excluding intrastate violations
from the Federal rating**

Below is a picture of the screen that controls how CAPRI will handle the rating process. To access this screen, go to the CAPRI main menu and select the following:

SYSTEM (Main menu option, available only when no review is open)

PREFERENCES (Submenu under SYSTEM)

RATING (Option under PREFERENCES brings up rating screen)

A checkmark in the box labeled "Include State violations in Federal rating process" means State violations **WILL** BE included in the Federal rating. To toggle **OFF** the inclusion of intrastate violations in the Federal rating, just remove the checkmark by clicking on the checkbox.

Rating Configuration

Select Operations to be Rated

- ☒ Interstate
- ☒ Intrastate HM
- ☐ Intrastate non-HM

☒ **Include State violations in
Federal rating process**

NOTE: If rating selections have been changed, the Part B Report must be run again before running the Rating Explanation Report.

X Cancel **✓ OK**